

**Introduced by Senator Corbett**

February 24, 2012

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An act to add Section 268 to, and to add and repeal Section 13012.7 of, the Penal Code, relating to Internet crimes.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1389, as introduced, Corbett. Sex crimes and identity theft including minors: Internet use.

Existing law defines various crimes, including rape, lewd and lascivious acts with a child, human trafficking, and identity theft. Existing law also requires the Department of Justice, annually by July 1st, to submit to the Governor a report containing the criminal statistics of the preceding calendar year and to present at other times as the Attorney General may approve reports on special aspects of criminal statistics.

This bill would make a person who commits specified sex crimes or identity theft, if the victim is a minor and the defendant made use of the Internet in the commission of the crime, guilty of cyber crimes against a minor, which would receive the same sentence as the underlying crime. The bill would also, until January 1, 2015, require the Department of Justice to include information on cyber crimes against a minor in the annual report to the Governor. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 268 is added to the Penal Code, to read:  
2 268. A person who commits a violation of Section 261, 261.5,  
3 261.9, 264.1, 265, 266, 266c, 266e, 266f, 266i, 266j, 267, 269,  
4 273i, 288, or 236.1 if the purpose is a violation of the preceding  
5 provisions, or Section 530.5, shall be guilty of cyber crimes against  
6 a minor, if the victim is a minor and the defendant made use of  
7 the Internet in the commission of the crime. A commission of cyber  
8 crimes against a minor shall be punished in the same manner as  
9 the underlying crime.  
10 SEC. 2. Section 13012.7 is added to the Penal Code, to read:  
11 13012.7. (a) The annual report published by the department  
12 under Section 13010 shall include information concerning arrests  
13 for violations of Section 268.  
14 (b) This section shall remain in effect only until January 1, 2015,  
15 and as of that date is repealed, unless a later enacted statute, that  
16 is enacted before January 1, 2015, deletes or extends that date.  
17 SEC. 3. No reimbursement is required by this act pursuant to  
18 Section 6 of Article XIII B of the California Constitution because  
19 the only costs that may be incurred by a local agency or school  
20 district will be incurred because this act creates a new crime or  
21 infraction, eliminates a crime or infraction, or changes the penalty  
22 for a crime or infraction, within the meaning of Section 17556 of  
23 the Government Code, or changes the definition of a crime within  
24 the meaning of Section 6 of Article XIII B of the California  
25 Constitution.